

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
ENFORCEMENT AND REMOVAL OPERATIONS
ICE HEALTH SERVICE CORPS**

**ALTERNATE WORK PLACE – TELEWORK (AWP) & ALTERNATE
WORK SCHEDULES (AWS)**

IHSC Directive: 01-01

ERO Directive Number: 11707.2

Federal Enterprise Architecture Number: 306-112-002b

Effective Date: 1 Oct 2016

**By Order of the Acting Assistant Director
CAPT Luzviminda Peredo-Berger, MD /s/**

- 1. PURPOSE:** The purpose of this issuance is to set forth the policies and procedures for the management of Alternate Work Place - Telework (AWP) and Alternative Work Schedules (AWS) within the ICE Health Service Corps (IHSC).
- 2. APPLICABILITY:** This directive applies to Public Health Service (PHS) Commissioned Corps officers, General Schedule (GS) employees, and contract personnel (CTR) assigned to IHSC in U.S. Immigration and Customs Enforcement (ICE)-controlled facilities and IHSC Headquarters (HQ) staff.
- 3. AUTHORITIES AND REFERENCES:** The relevant laws and regulations pertaining to the management of PHS officers and GS employees provide the authority to establish policy and management practices for this issuance.
 - 3-1.** [DHS Directive 123-05, Telework Directive](#).
 - 3-2.** ICE Telework Program.
 - 3-3.** [CC313.01, Telework, U.S. Department of Health and Human Services Commissioned Corps Instruction](#).
 - 3-4.** Public Law 106-346, Section 359, Department of Transportation and Related Agencies Appropriations Act, 2001.
 - 3-5.** [Public Law 111-292: Telework Enhancement Act of 2010](#).
 - 3-6.** [5 U.S.C. § 6101, “Basic 40-Hour Workweek; Work Schedules; Regulations.”](#)
 - 3-7.** 5 CFR Part 551, “Pay Administration under the Fair Labor Standards Act.”
 - 3-8.** 5 CFR Part 610, “Hours of Duty.”
 - 3-9.** DHS Directive 254-04, *Alternative Work Schedules*.

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3-10. 5 U.S.C. Chapter 61, “Hours of Work.”

3-11. 5 U.S.C. § 6122, “Flexible Schedules; Agencies Authorized to Use.”

3-12. 5 U.S.C. § 6124, “Flexible Schedules; Holidays.”

3-13. 5 U.S.C. § 6127, “Compressed Schedules; Agencies Authorized to Use.”

3-14. 5 U.S.C. § 6130, “Application of Programs in the Case of Collective Bargaining Agreements.”

3-15. 5 U.S.C. § 3401(2), “Definitions – Part-Time Career Employment.”

3-16. 5 CFR Part 610, Subpart D, “Hours of Duty – Flexible and Compressed Work Schedules.”

3-17. Office of Personnel Management (OPM) Handbook on Alternative Work Schedules.

3-18. CC313.01, Telework, U.S. Department of Health and Human Services Commissioned Corps Instruction.

3-19. IHSC Form 082, IHSC Alternate Workplace Request.

3-20. IHSC Form 080, IHSC Request for Alternate Work Schedule.

3-21. IHSC Form 081, IHSC Alternate Work Schedule for Corps Officers.

3-22. IHSC Form 083, Alternate Workplace - Safety Checklist.

3-23. IHSC Form 084, Alternate Workplace - Inventory of Equipment.

3-24. ICE Telework Agreement Form.

3-25. CC23.5.10 , Use of Alternate Workplace, for Telework.

3-36. IHSC Staffing Contract HSCECR-12-F-00048.

- 4. POLICY:** IHSC supports the concepts of AWP and AWS; however, the desire of the employee must be balanced with the ability of IHSC to support mission requirements without a loss of productivity or service to its customers and stakeholders. Supervisors must work with employees to allow maximum flexibility of AWP or AWS for approved positions, while simultaneously ensuring that organizational needs are met. IHSC encourages supervisors to utilize a team-based approach in establishing AWP and AWS opportunities to ensure full coverage of their respective program areas of responsibility. Employees may only be approved for one of these programs. AWS and AWP is not authorized simultaneously. All forms pertaining to this directive may be found on the SharePoint site

(b)(7)(E)).

4-1. AWP (Telework) Program

a. Definitions

1. AWP is any arrangement in which an employee performs officially assigned duties away from the traditional worksite.
2. AWP schedules are defined as:
 - i. Core (routine, regular, recurring) - may be set for the full workweek or set days during the workweek.
 - ii. Situational/Episodic (occasional, non-routine, ad-hoc, short term) - may be authorized for special projects, emergent situations, or as part of contingency planning.

b. Eligibility

1. All Supervisors must review staff positions and determine if they are eligible for telework up to two days per week.
2. Personnel engaged in direct patient care and whose daily activities cannot be handled remotely or at an alternate worksite are not eligible to telework.
3. Employees are not eligible for core telework during the first 90 days of permanent assignment to IHSC.
4. All employees should have a situational telework agreement in place.
5. Employees reassigned to another supervisor within IHSC must be re-evaluated for telework eligibility after their reassignment into the new position. Employees must resubmit the required telework paperwork for processing to their new supervisor. Employees may be required to wait up to 30 days before resuming telework per the new supervisor's discretion.
6. Employees approved for telework by their current supervisor may continue for 30 days during which time a re-evaluation of the current position will be completed for telework suitability.
7. GS Employees are eligible to telework with supervisory chain approval, provided their last performance evaluation was at the "Exceeds Expectations" level or higher in each category rated, and they are not on a "leave restriction." GS employees must also adhere to ICE policy regarding AWP. In cases where IHSC policy and ERO policy conflict, ERO policy will take precedence.

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Bargaining unit employees may participate in an AWP program only under the terms provided in a negotiated agreement (5 U.S.C. § 6130(a), (1) and (2)).

8. PHS officers are eligible to telework with supervisory chain approval, provided the officer's last Commissioned Officer Evaluation Report (COER) is at least a "Satisfactory" rating or higher, the officer has not received any disciplinary action within the past six (6) months, and is not on leave restriction. PHS officers must comply with the provisions set forth in CC23.5.10, Use of Alternate Workplace, for Telework.
9. Contract personnel are eligible to telework up to two days per 40-hour work week with contract supervisory chain approval, provided that agreements have been ratified between the contracted company and IHSC.

c. **Participation**

1. Participation in an AWP program is an employee benefit, not an entitlement.
2. Approved AWP may be initiated by the employee or supervisor based on individual preference or mission requirements and a designation that the position occupied is eligible for telework.
3. The employee or supervisor may terminate telework at any time.

d. **AWP (Telework) Request and Agreement**

1. All AWP arrangements require a formal written request between the employee and the supervisor using the IHSC Alternate Workplace Request (IHSC Form 082).
2. It is recognized that certain episodic work conditions (e.g., weather) may make telework mission critical. Therefore, all eligible personnel must enter into a situational/episodic Telework Agreement (ICE Telework Agreement) to facilitate continued operations in the event of an emergency or mission need.
3. Once the Telework Request is approved, telework candidates must complete the IHSC Telework Agreement and submit the form to their Deputy Assistant Director (DAD) or Chief of Staff, via their first-line supervisor, for final approval.
4. All AWP arrangements require completion of the Alternate Workplace - Safety Checklist (IHSC Form 083), and Alternate Workplace - Inventory of Equipment (IHSC Form 084).

5. All GS employees in the Washington, D.C., area who have a current Telework Agreement must complete the ICE Telework Agreement, have it approved by the supervisor, and forward it for upload onto the ICE Telework website. This agreement specifically details whether the employee will be required to work in the event of office closure due to inclement weather or an emergency.
6. The IHSC Personnel Unit must store and maintain all executed telework related forms.

e. Training

1. All personnel in supervisory positions and government technical monitors (GTM)s are required to complete Manager Training through the DHS Performance and Learning Management System (DHS PALMS) or the telework.gov website under the Tools & Resources section, regardless if subordinate employees participate in an AWP program. Supervisors and GTMs must submit a copy of the certificate of completion to the IHSC Telework Program Manager (See Section 5-2 below).
2. All employees participating in an AWP program, regardless of the frequency, are required to complete annual Employee Training through DHS PALMS or the telework.gov website under the Tools & Resources section. Training must be completed prior to beginning telework. The employee must submit a copy of the certificate of training to their supervisor and the IHSC Telework Program Manager.

f. Accountability and Personnel Actions

1. Telework employees are expected to provide the same level of service to IHSC in the same manner as those employees that work on-site.
2. All IHSC employees participating in telework must use the office communicator (i.e., Microsoft Lync) on their laptop computer indicating "available" throughout the workday. The employee must email their supervisor to indicate when they begin their workday, when they exit for lunch breaks, and at the end of the day. At the beginning of the workday, the employee must email their supervisor to provide an overview of projects/tasks to be completed during the day.
3. At any time, the supervisor may revoke the Telework Agreement if mission requirements/needs of IHSC are not met or accountability is

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4. Unit Chiefs and supervisors at IHSC HQ must ensure approved telework employees' telework schedules are staggered to meet the needs of the organization at the HQ level for on-site coverage. This means supervisors must coordinate the management of the schedule with other units/supervisors to ensure all are partnering and/or sharing which staff are teleworking on which dates. Coverage must be identified for each position. This must be handled fairly so that all employees are afforded opportunities to have their position evaluated for the program.
5. The Unit Chief/supervisor must resolve any complaints while providing a written explanation to the appropriate DAD or Chief of Staff. If the Unit Chief/supervisor cannot resolve the complaint at their level, then it should be referred up the chain for resolution.

g. Contractor (CTR) Employees

1. CTR employees must adhere to IHSC and ICE Telework policies and procedures.
2. IHSC must monitor the CTR employees telework using the following measures:
 - i. The GTM must approve all AWP for the requesting position.
 - ii. The CTR employee must be promptly available for contact by the GTM while working AWP.
 - iii. The GTM will forward a copy of the signed InGenesis Teleworking Agreement paperwork to the CORs for situational awareness.
3. InGenesis will be responsible for verifying the hours worked by the CTR employee and ensuring hours submitted for the invoice are true and accurate.

h. Working Hours. IHSC has established the below categories of work hours to best support the organization's mission for the HQ component. IHSC field activities operate on a 24-hour basis. Health services administrators (HSAs) may direct administrative operating hours that best support the functional responsibilities of the field medical facilities. The Health Operations Unit Chief must approve administrative operating hours at medical facilities prior to implementation.

1. Operating Hours - IHSC HQ operating hours are Monday through

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 Friday from 0700-1800. Employees participating in an AWP program may not begin work prior to 0600 or end the workday after 1800 (For GS employees, overtime and compensatory time off will be addressed on a case by case basis).
2. Core Work Hours - IHSC HQ established core work hours are from 0900-1500 daily. Any participation in an AWP program must include these core hours in the approved schedule.
 3. OPM requires GS employees to take a lunch break. A lunch break is an approved period of time in a non-pay work status that interrupts a basic workday for the purpose of allowing an employee to eat or engage in personal activity. Employees who work five or more hours a day are allocated a 30 minute lunch break. Employees must take a lunch break and may not save any part of the 30 minutes in order to leave early or extend subsequent lunch breaks, unless authorized by the supervisor.
- i. **Equipment**
1. The purchase of equipment for each position identified for telework will be in accordance with the Office of the Chief Information Officer Information Technology (IT) replacement schedule.
 2. IHSC employees may only telework when appropriate IT resources are available and approved by the appropriate authority (DAD or Chief of Staff).
- j. **Emergency Situation**
1. If an emergency is declared, the IHSC Assistant Director (AD) may implement telework to the maximum extent possible to maintain essential functions and protect the workforce.
 2. Guidance on telework during an emergency is included in the *IHSC Continuity of Operations Plan (COOP)*.
 3. The ICE and IHSC COOP and emergency guidance take precedence when in conflict with this policy.
 4. IHSC will follow the ICE Office of Human Capital and Office of Personnel Management guidance regarding telework during emergency and administrative closures.

4-2. AWS Program

a. Definitions

1. An AWS is any work schedule other than a designated fixed 5 days a week, 8 hour-day work schedule. Federal employees are required to work an 80 hour bi-weekly schedule.
2. The following work schedules may be utilized within IHSC for participation in an AWS program with supervisory chain approval.
 - i. Compressed Work Schedule (CWS) - Under a compressed work schedule, an employee must complete the 80-hour basic work requirement in less than 10 workdays. For example, an employee may complete the 80-hour basic work requirement by working four 10-hour days for each of the two weeks in a pay period, or eight 9-hour days and one 8-hour day for a total of nine days in a pay period. A CWS, by definition, has no flexible time bands, no core hours, and no allowance for credit hours. However, within IHSC, all employees must ensure their availability and work during core work hours. An employee may not vary the daily or weekly tour in any way.
 - ii. Flexible Work Schedule (FWS) - FWS splits the workday into two distinct kinds of time: core hours and flexible hours or bands. Under most FWS arrangements, all employees must work during core hours, but they may establish their arrival and departure times during the flexible bands. The basic work requirement is the traditional 8 hours a day, 5 days a week, to complete 80 hours of work or authorized absence in a biweekly pay period. Other FWSSs are not permitted.

b. Eligibility

1. GS employees are eligible to participate in an AWS program with supervisory chain approval, provided their last performance evaluation was at the "Exceeds Expectations" level or higher in each category rated, and they are not on a "leave restriction." GS employees must also adhere to ICE policy regarding AWS. In cases where IHSC policy and ERO policy conflict, ERO policy will take precedence. Bargaining unit employees may participate in an AWS program only under the terms provided in a negotiated agreement (5 U.S.C. § 6130(a), (1) and (2)).
2. PHS officers are eligible to participate in an AWS program with supervisory chain approval, provided their last COER is at least

01-01	<p>Alternate Work Place – Telework (AWP) and Alternate Work Schedules (AWS)</p> <p>"Satisfactory" rating or higher, the officer has not received any disciplinary action within the past six (6) months, and is not on leave restriction. In cases where this policy and Commissioned Corps policy conflict, Commissioned Corps policy will take precedence. Commissioned Corps Officers must adhere to the provisions of Pamphlet 62, The Commissioned Corps Officers Handbook, for other types of AWS programs.</p> <p class="list-item-l1">3. Contract staff are not eligible to participate in an AWS program.</p> <p class="list-item-l2">c. Participation</p> <p class="list-item-l3">1. Participation in an AWS program is an employee benefit, not an entitlement.</p> <p class="list-item-l3">2. Employees must fulfill the 80-hour bi-weekly work requirement.</p> <p class="list-item-l3">3. The employee or supervisor may terminate AWS at any time.</p> <p class="list-item-l2">d. AWS Request and Agreement</p> <p class="list-item-l3">1. All AWS arrangements require a formal written agreement that must be completed using the IHSC Request for Alternate Work Schedule (IHSC Form 080) or IHSC Alternate Work Schedule for Corps Officers (IHSC Form 081) for GS employees and PHS officers, respectively. Employees must submit the form to their appropriate DAD or Chief of Staff, via their first-line supervisor, for final approval.</p> <p class="list-item-l3">2. AWS agreements must be renewed at the beginning of each fiscal year and can be modified, as needed and appropriate, to facilitate continued operations in the event of an emergency or special project.</p> <p class="list-item-l3">3. Employee requests must be submitted prior to a new pay period. The employee's immediate supervisor will approve/disapprove the request, and the next, or higher level, supervisor in the supervisory chain will review it for final determination.</p> <p class="list-item-l3">4. The supervisor disapproving a request for AWS participation must state the reason for disapproval and return the request to the employee within two weeks of the submission of the request.</p> <p class="list-item-l3">5. Employee requests to change to a different work schedule will be considered on an as-needed basis depending on mission requirements, the preference of an employee, or both.</p>
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6. The IHSC AWS Program Manager must store and maintain all executed AWS-related forms.
- e. **Availability of Employees with Approved AWS**
1. While supervisors are expected to make every effort to schedule meetings and other special activities during core hours, there may be times when a supervisor will ask an employee to rearrange his/her schedule to meet program needs. When possible, the employee will be given advanced notice of the special need. GS employees required to adjust their schedules to meet mission requirements may be eligible for compensatory time off.
 2. All employees participating in an AWS program, regardless of the frequency, are required to complete annual Employee Training through DHS PALMS or the telework.gov website under the Tools & Resources section. Training must be completed prior to beginning an AWS program. The employee must submit a copy of the certificate of training to the supervisor and the IHSC Telework Program Manager.
- f. **Working Hours.** IHSC has established the below categories of work hours to best support the organization's mission for the HQ component.
1. Operating Hours - IHSC HQ operating hours are Monday through Friday from 0700-1800. Employees participating in an AWS program may not begin work prior to 0600 or end the workday after 1800.
 2. Core Work Hours - IHSC HQ established core work hours are from 0900-1500 daily. Any participation in an AWS program must include these core hours in the approved schedule.
 3. OPM requires GS employees to take a lunch break. A lunch break is an approved period of time in a non-pay work status that interrupts a basic workday for the purpose of allowing an employee to eat or engage in personal activity. Employees who work five or more hours a day are allocated a 30 minute lunch break. Employees must take a lunch break and may not save any part of the 30 minutes in order to leave early or extend subsequent lunch breaks, unless authorized by the supervisor.
- g. **Emergency Situations.** The AD may unilaterally direct or terminate the availability of AWS programs during periods of time that require full time staffing five days a week (e.g., public emergency, mass influxes, natural disasters).
- h. **"In-Lieu of" Holidays and Holiday Pay (GS Employees only)**

1. If a holiday falls on a non-workday of an employee in an AWS program, except for holidays falling on a Sunday non-workday, the employee's preceding workday is the designated "in lieu of" holiday. If the holiday falls on a Sunday (non-workday) of the employee on a flexible or compressed work schedule, the employee's following workday is the designated "in lieu of" holiday.
2. The employee's supervisory chain may prescribe a different "in lieu of" holiday for full-time GS employees on a compressed work schedule when it is deemed that a different "in lieu of" holiday is necessary to prevent an adverse impact on the agency.
3. PHS officers are not entitled to "in lieu of" holidays.

4-3. AWP/AWS Position Review

- a. Supervisors must complete the AWP/AWS Position Review Form (IHSC Form 085) at the beginning of each fiscal year or as needed. The form must be completed and submitted to their respective DAD or Chief of Staff for review and approval, and completed forms must be forwarded to the IHSC Telework Program Manager.

5. RESPONSIBILITIES

5-1. IHSC Senior Leadership

- a. The AD is responsible for policy approval.
- b. The DADs and Chief of Staff are responsible for reviewing and approving position approval requests and forwarding final determinations to the supervisor.

5-2. Supervisors. All IHSC Supervisors must:

- a. Ensure that all AWP/AWS requirements are current, as applicable.
- b. Ensure coverage and accountability of all staff. This includes the completion of required telework training by all subordinate staff within their unit or under their supervision.
- c. Review and approve/disapprove AWP/AWS positon reviews and requests for subordinate staff within their unit or under their supervision within two weeks of submission of the request.
- d. Review and recommend approval/disapproval of AWP/AWS Agreements for subordinate staff within their unit or under their supervision and forward them to the respective DAD or Chief of Staff for final approval. For contract staff, coordinate with the GTM

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e. Complete an annual review of all AWP/AWS Agreements (IHSC Form 085) for their staff.

f. Complete the Manager Telework training on an annual basis via DHS PALMS or the telework.gov website under the Tools & Resources section.

5-3. IHSC Staff. All IHSC staff in an AWP or AWS program must:

a. Maintain accountability and communication.

b. Complete and submit AWP/AWS request forms and training certificates to supervisors annually.

1. AWP/AWS Forms.

i. IHSC Alternate Workplace Request Form (IHSC Form 082) or IHSC Request for Alternate Work Schedule (IHSC Form 080) or IHSC Request for Alternate Work Schedule for Corps Officers (IHSC Form 081). Alternate Workplace Safety checklist (IHSC Form 083) Alternate Workplace Inventory of Equipment (IHSC Form 084)

ii. IHSC Request for Alternate Work Schedule (IHSC Form 080) for GS Employees or IHSC Request for Alternate Work Schedule for Corps Officers (IHSC Form 081) for PHS officers.

2. DHS PALMS - Telework training.

3. Telework Agreement (ICE Telework Agreement Form) – **All HQ personnel.**

i. It is recognized that certain situational work conditions (e.g., weather) may make telework mission critical. Therefore, all eligible personnel will enter into a Telework Agreement (ICE Telework Agreement Form) to facilitate continued operations in the event of an emergency or mission need.

ii. For AWP-approved personnel only one ICE Telework Agreement needs to be completed (check both "Situational" and "Core" boxes under Work Schedule).

c. Adhere to AWP/AWS related governing documents.

d. Adhere to all expectations of federal employment, including ethical standards.

5-4. IHSC Telework Program Manager and IHSC AWS Program Manager

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- a. The AD or Chief of staff appoints the IHSC Telework Program Manager and IHSC AWS Program Manager in writing.
- b. The IHSC Telework Program Manager and IHSC AWS Program Manager must maintain copies of all AWP/AWS requests, agreements, other related IHSC Forms, and completed training certificates.
- c. The IHSC Telework Program Manager and IHSC AWS Program Manager must send annual reminders for IHSC staff and supervisors to complete the required annual AWS Position Review Form (IHSC-085).

6. PROCEDURES. See Responsibilities section above.

7. CANCELLATION. This directive replaces IHSC Directive: 01-01, *Alternate Work Place (Telework) & Alternative Work Schedules (AWS)*, dated 28 March 2016.

8. HISTORICAL NOTES: This directive replaces the previous version of IHSC Directive: 01-01, *Alternate Work Place (Telework) & Alternative Work Schedules (AWS)*, dated 28 March 2016. The following sections have been updated: 2. Applicability; 4. Policy; and 5. Responsibilities.

9. DEFINITIONS.

9-1. AWS – Both flexible work schedules and compressed work schedules.

9-2. AWS/Telework Agreement – A written agreement, completed, and signed by an officer and the authorized management, that outlines the terms and conditions of the AWS or telework arrangement.

9-3. Compressed Work Schedule (CWS) – An 80-hour biweekly basic work requirement that is scheduled by an agency in fewer than 10 workdays.

9-4. COOP Planning – An effort to ensure that the capability exists to continue essential government functions across a wide range of natural disasters or local or national declared emergencies.

9-5. Core Work Hours – The time periods during the workday, workweek, or pay period that are within the tour of duty during which an employee covered by a flexible schedule is required by the agency to be available for work. IHSC HQ core work hours are from 0900-1500 daily.

9-6. Flexible Schedule (FWS) – Includes core hours during which everyone must be present, coupled with flexible arrival and departure times.

9-7. HSA – The designated IHSC administrator at a facility who provides administrative and supervisory oversight of day-to-day operational activities at IHSC-staffed medical facilities.

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9-8. IHSC Staff – Includes all facility, HQ, IHSC Special Operations Unit and field medical coordinator staff.

9-9. Senior Leadership – The IHSC AD, DADs, and the Chief of Staff.

9-10. Telework – The performance of official duties at an alternate workplace geographically by an employee on a regular or episodic basis.

9-11. Telework Request – Request completed by the employee that outlines the benefit to the organization.

9-12. Telework Agreement – Agreement completed and signed by authorized management that outlines the terms and conditions of the telework arrangement.

10. APPLICABLE STANDARDS. Refer to the Authorities and References section.

11. PRIVACY AND RECORDKEEPING: Records generated as described in this policy are maintained as provided in the General Personnel Records, System of Records, 77 Federal Register 73694 (December 11, 2012) and any other applicable systems.

12. NO PRIVATE RIGHT STATEMENT: This directive is an internal policy statement of IHSC. It is not intended to, and does not create any rights, privileges, or benefits, substantive or procedural, enforceable against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.